

S.B.Cr.Misc. Bail Appli. No.5987/2007

(Vikram Parihar Vs. State of Rajasthan)

Date of order : December 10, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Arjun Singh Rathore, for the petitioner.

Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned.

It is reported by the learned Public Prosecutor that the prosecutrix has not yet been recovered as also that a Habeas Corpus Writ Petition came up before the Division Bench of this Court and the prosecutrix declined to go with the accused-person. Yet despite the direction of this Court, the prosecutrix has been forcibly taken by the petitioner and other co-accused persons and so far she has not been recovered.

In this view of the matter, in my view, it is not a fit case to grant bail to the petitioner. The bail application filed by the petitioner under section 439 Cr.P.C. is, therefore, dismissed. However, it will be open for the petitioner to file a fresh bail application after the statement of the prosecutrix is recorded by the police on her recovery.

(H.R.PANWAR),J.

m.asif/-